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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/746,107	12/21/2000	Andrew K. Krumel	802-004	2214

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EXAMINER

LUU, LE HIEN

ART UNIT	PAPER NUMBER
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2141

DATE MAILED: 02/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/746,107	KRUMEL, ANDREW K.	
	Examiner	Art Unit	
	Le H. Luu	2141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-54 is/are pending in the application.
- 4a) Of the above claim(s) 32,33,35-39 and 42-48 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31,34,40,41 and 49-54 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09/14/05 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>01/26/06</u> . | 6) <input type="checkbox"/> Other: _____ |

1. Claims 1-31, 34, 40-41, and 49-54 are presented for examination.
2. Examiner maintains the restriction requirements as discussed in Office Action mailed on 04/27/2004 because the following reasons:

(a) Applicant did not distinctly and specifically point out the supposed errors in the restriction requirement when applicant elected claims 34 and 49 of subgroups 1 and 2 respectively in the reply filed on 06/01/2004. Therefore, the election has been treated as an election without traverse (MPEP j 818.03(a)).

(b) The application contains claims directed to more than a reasonable number of species.

(c) Applicant has not submitted evidence to show the species to be obvious variants or clearly admit on the record that this is the case.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

or

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(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1-31, 34, 40-41, and 49-54 are rejected under 35 U.S.C. § 102(e) as being anticipated by Hagiuda et al. (Hagiuda) patent no. 6,182,225.

5. As to claim 1, Hagiuda teaches the invention as claimed, including a method for updating the configuration of a programmable logic device-based system ("PLD system") over a packet-based network using a protocol, comprising the steps of:

receiving at least a first set of one or more packets transferred from a computing system to the PLD system over the network (col. 15 line 9 - col. 18 line 61);

in the PLD system, extracting first information from the first set (col. 12 lines 9-55);

in response to receiving and extracting the first information, sending a second set of one or more packets from the PLD system to the computing system over the network, wherein the second set contains information identifying the PLD system and also information indicative of a first configuration of the PLD system (col. 65 line 65 - col. 66 line 57);

selectively receiving a third set of one or more packets from the computing system over the network in response to the second set, wherein second information extracted from the third set comprises updated configuration information associated with a second configuration of the PLD system (col. 65 line 65 - col. 66 line 57; col. 81 line 12 - col. 82 line 22).

6. As to claim 2, Hagiuda teaches the second set comprises information selected from the group consisting of: configuration information; bar code data; information indicative of a weight of one or more objects or material; information indicative of temperature; information indicative of movement or position; information indicative of a size of one or more objects or material; information indicative of a presence or amount of light; information indicative of pressure; information indicative of friction; information indicative of elevation; information indicative of thickness; information indicative of reflectivity; information indicative of wind; information indicative of a degree of moisture content; camera or other image data; information indicative of color or other optical characteristics of an object or material; information indicative of success or failure of an operation; information derived from a magnetic card reader; information indicative of

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pitch or other sound characteristics; information indicative of a smell characteristics; information indicative of a texture characteristic; and information indicative of a status condition of an industrial process (col. 15 line 9 - col. 18 line 61).

7. As to claim 3, Hagiuda teaches the PLD system includes non-volatile memory for storage of data, wherein the non-volatile memory comprises Flash memory, electrically erasable and programmable read only memory or battery-backed-up random access memory (col. 14 lines 1-18).

8. As to claims 4-7, Hagiuda teaches after receiving each packet of the third set, the PLD system sends at least a fourth packet to the computing system over the network acknowledging receipt thereof; after receiving the third set, the PLD system saves the update configuration information in non-volatile memory of the system; wherein the PLD system saves a portion of the updated configuration information in the nonvolatile memory of the system that is derive from each packet of the third set prior to sending each of the fourth packets; and after receipt by the computing system of a fourth packet that acknowledges receipt by the PLD system of a final packet of the third set, the PLD system receives at east a fifth packet to the PLD system, wherein, in response to the fifth packet, the PLD system saves one or more data indicating that all of the updated configuration information has been received and stored in the non-volatile memory (col. 14 lines 1-18; col. 81 line 12 - col. 28 line 36).

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9. As to claims 8-11, Hagiuda teaches the updated configuration information is loaded into the PLD system in response to a user command from a user; wherein the user command comprises a command input by a switch; wherein the switch comprises a physical switch on the PLD system; wherein the user command comprises a command entered via the computing system (col. 14 lines 1-53).

10. As to claim 12-16, Hagiuda teaches one or more display devices provide visual feedback of the status of the PLD system; wherein the one or more display devices comprise one or more LEDs; wherein the one or more display devices comprise a liquid crystal display; wherein the PLD system provides audio feedback indicative of the status of the PLD system; wherein at least one LED indicates that the step of loading the updated configuration information into the PLD system is in process (col. 13 lines 14-24; col. 14 lines 32-53; col. 40 lines 1-14).

11. As to claims 17-20, Hagiuda teaches the PLD system processes packets sent from the computing system; the PLD system extracts commands in accordance with the first configuration from the packets sent from the computing system; the second set includes a version identifier for the PLD system; the second set contains information that identifies a plurality of commands to which the PLD system responds (col. 15 lines 9 - col. 18 line 61; col. 26 lines 25-30; col. 66 line 62 - col. 67 line 5; figure 26).

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12. As to claims 21-29 and 50-54, Hagiuda teaches the second set contains information that is indicative of a location for data storage; the location comprises storage coupled to the computing system; the location comprises storage on a second network, wherein the computing system accesses the storage via the second network; the information that is indicative of the location comprises an address of a node on the second network; the second network comprises an Internet network; the information that is indicative of the location comprises a URL; the second set includes one or more first commands to which the PLD system responds and also include one or more second commands to which the PLD system responds; the first commands comprise core commands to which at least a second system containing a second PLD system also responds; the second commands comprise custom commands to which the second PLD system does not respond (figures 7-8 and 43; col. 12 line 57 - col. 13 line 13; col. 15 lines 9 - col. 18 line 61).

13. As to claims 30-31 and 34, Hagiuda teaches the network comprises a local area network; the network comprises an Ethernet-based network; at least certain of the first, second or third sets comprise Ethernet packets (Figures 1 and 24).

14. As to claims 40-41 and 49, Hagiuda teaches at least certain packets of the first set comprises broadcast packets having a predetermined address that are directed to a first predetermined port; at least certain packets of the second set comprise packets having a predetermined source address that are directed to a second predetermined

port; the PLD system includes first and second logic portions, wherein a first logic portion operates to communicate packets with the computing system, wherein the second logic portion operates to carry out a process that does not comprise communicating packets with the computing system (col. 13 line 14 - col. 14 line 24; col. 34 lines 11-36).

(A) Prior art does not teach a remotely updatable programmable logic device (PLD) based system such as via an updateable configuration.

As to point (A), applicant disclosed in the specification that PLD-based devices include: common telecommunications devices, such as pagers, cell phones, PDA's, and WAP phones; common office equipment, such as faxes, photocopiers, printers, desktop and laptop computers; common home appliances, such as freezers, refrigerators, washers, dryers, microwaves, and toaster ovens; and common entertainment equipment, such as radios, televisions, stereo systems, VCRs, handheld video games (e.g., Nintendo Gameboy.TM.), and home video game systems (e.g., Sony Play Station.TM.), etc. In addition, Hagiuda teaches remotely installing a printer driver, and updating printer configuration information on a network printer (PLD-based device) using NetSpot install's controller (administrator) mode function (col. 15 line 9 – col. 18 line 61).

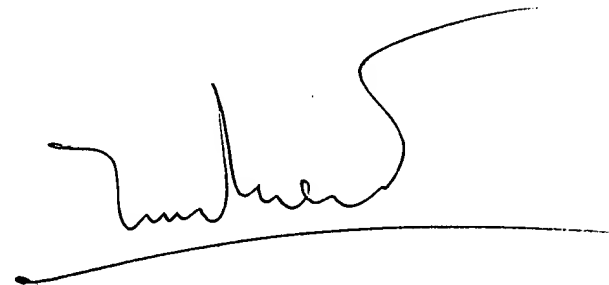
15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Le H. Luu whose telephone number is 571-272-3884.

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The examiner can normally be reached on 7:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharra can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Le Wen Lou', is written over a horizontal line.

LE WEN LOU
PRIMARY EXAMINER